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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,774	10/14/1999	JOHN M. MARYNOWSKI	048289-5002	7919

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EXAMINER

FELTEN, DANIEL S

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/417,774

Applicant(s)

MARYNOWSKI ET AL.

Examiner

Daniel S Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1
2
3 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
4 obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
6 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
7 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
8 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
9 manner in which the invention was made.

10
11 2. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et al
12 (US 5,101,353) in view of Hartheimer et al (Hereinafter "Hartheimer", US 5,258,908)

13
14 Lupien discloses an automated trading system (see abstract) for use in an electronic exchange
15 system network (see Abstract), comprising:

16 a receiver interface that receives market price information for a first traded item from an
17 exchange (see col. 4, ll. 32-41; and col. 6, ll. 60-66);

18 data reference logic 10 (*controller CPU*) that outputs a transaction value for the first
19 traded item from a data structure based on price information for a second traded item related to
20 the first traded item (see col. 3, ll. 7-23; and col. 6, ll. 3-15);

1 decision logic 10 using at least a portion of the received market price information and the
2 transaction value to generate a decision whether to submit an order for the first traded item (see
3 col. 3, ll. 7-14; and col. 6, ll. 41-45); and

4 an output interface (*computer*) for outputting a request (*orders*) for market transaction for
5 one of the first traded item and the second traded item for transmission to the exchange in
6 response to said decision logic (see col. 3, ll. 37-45).

7 memory storing the data structure 12 (*disc*), wherein the data structure maps precalculated
8 transaction values of the first traded item over a range of price values of the second traded item
9 (see col. 6, ll. 3+); and

10 reference logic for identifying one of the pre-calculated transaction values based at least
11 in part on a current price value for the second traded item (see col. 3, ll. 7-23; and col. 6, ll. 3-
12 15).

13 wherein the data structure is a two- dimensional data structure mapping pre-calculated
14 transaction values of the first traded item over a range of prices of the second traded item (see,
15 *portfolio*, col. 3, ll. 15-45).

16 wherein the data structure is an n-dimensional data structure, where n is 3 or more (see,
17 *portfolio*, col. 3, ll. 15-45).

18 wherein data reference logic receives current price information for the second traded item
19 and uses the current price information to output the transaction value (see col. 3, ll. 7-23; and col.
20 6, ll. 3-15).

1 Lupien fails to disclose wherein the data structure is a look-up table. This feature is found
2 in Hartheimer (see Hartheimer, col. 2, 40+). It would have been obvious for an artisan of
3 ordinary skill at the time of the invention of Lupien to integrate the Look up tables disclosed by
4 Hartheimer because an artisan at the time of the invention of Lupien would have recognized that
5 the notoriously old and well known look up table would provide a substitute to the matching
6 means in Lupien, to provide the status of a particular traded security during the trading process.
7 Thus such a modification would constitute an alternative means of providing status of a security,
8 being a mere design choice, for an artisan of ordinary skill in the art.

9
10
11 ***Conclusion***

12
13 3. A list of relevant prior art appears below not relied upon in this Office Action:
14 US Patents:
15 Kalmus (US 4,674,044) discloses a automated trading system
16 Deming, Jr. et al (US 5,500,793) discloses a computerized system for developing multi-party
17 property equity exchange scenarios
18 Dinwoodie (US 6,415,269 B1) discloses an interactive remote auction bidding system
19 Lindsey et al (US 5,063,507) discloses goods database employing electronic title or documentary
20 type title
21 Scantlin (US 3,082,402) discloses a securities quotation apparatus
22 Scantlin (US 3,296,597) discloses a market quotation apparatus

1 Hicks et al (US 2,046,381) discloses a bid and asked quotation system

2
3 4. Any inquiry concerning this communication or earlier communications from the examiner
4 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The
5 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
6 Any inquiry of a general nature relating to the status of this application or its proceedings should
7 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
8 **Vincent Millin** whose telephone number is (703) 308-1065.

9
10 5. Response to this action should be mailed to:

11
12 Commissioner of Patents and Trademarks

13 Washington, D.C. 20231

14
15 for formal communications intended for entry, or (703) 305-0040, for informal or draft
16 communications, please label "Proposed" or "Draft".

17 Communications via Internet e-mail regarding this application, other than those under 35
18 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
19 addressed to [daniel.felten@uspto.gov].

20
21 All Internet e-mail communications will be made of record in the application file. PTO
22 employees do not engage in Internet communications where there exists a possibility that
23 sensitive information could be identified or exchanged unless the record includes a properly
24 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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Applicant(s): Maryknowski (705/37)

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Representative: ()

1 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
2 Trademark on February 25, 1997 at 1 195 OG 89.

3 

4 **DSF**

5 **July 25, 2002**

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VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800